



1 Jason Kuller, NV Bar No. 12244
2 Robert Montes, CA Bar No. 159137
(*Pro Hac Vice*)
3 Rachel Mariner, NV Bar No. 16728
4 **RAFII & ASSOCIATES, P.C.**
1120 N. Town Center Dr., Ste. 130
5 Las Vegas, Nevada 89144
6 Phone: 725.245.6056
Fax: 725.220.1802
7 jason@rafiilaw.com
8 robert@rafiilaw.com
9 rachel@rafiilaw.com
Attorneys for Plaintiff

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11 **UNITED STATES DISTRICT COURT**
12
13 **DISTRICT OF NEVADA**

14 JALA HARPER, on behalf of
herself and all others similarly
15 situated,

16 Plaintiff,

17 v.

18 SOUTHWEST AIRLINES CO., a
foreign corporation; and DOES 1
through 50, inclusive,

19 Defendants.

Case No. 2:24-CV-01799-APG-DJA
ORDER GRANTING

**PLAINTIFF’S MOTION TO EXTEND
TIME TO FILE RESPONSE TO
DEFENDANT’S MOTION TO DISMISS
AND MOTION TO STRIKE (ECF No. 27)
PURSUANT TO FRCP 6(b)(1)(A) & LR IA
6-1(a)**

(First Request)

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24 Plaintiff Jala Harper, by and through her undersigned counsel, hereby moves
25 the Court for a one-day extension of time pursuant to FRCP 6(b)(1)(A) and LR IA 6-
26 1(a) to permit the late filing of Plaintiff’s response to Defendant’s motion to dismiss
27 and motion to strike (ECF No. 27) (“Dismiss Motion”) filed on February 18, 2025.
28 Plaintiff’s response to the Dismiss Motion (“Dismiss Response”) is due to be filed by



midnight tonight on March 11, 2024, per the parties' joint stipulation on February 27, 2025 (ECF No. 30), granted by the Court on March 3, 2025 (ECF No. 31). By this Motion, Plaintiff seeks a brief one-day extension to file her Dismiss Response based on the following points and authorities, all pleadings on file in this matter, and any further argument or evidence entertained by the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL STANDARD

Federal Rule of Civil Procedure 6(b)(1)(A) provides that "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time ...with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." This rule is to be "liberally construed to effectuate the general purpose of seeing that cases are tried on the merits." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2012) (ruling that district court abused its discretion in denying extension request). Consequently, requests for extensions of time "should normally be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party." *Id.* (quoting 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed. 2004) (internal quotations omitted)). As shown below, good cause exists for the requested extension of time to ensure that Defendant's Dismiss Motion is decided on the merits.

II. FACTUAL BACKGROUND

In response to Plaintiff's First Amended Complaint (ECF No. 24) ("FAC" or "Complaint"), Defendant filed both a Motion for Sanctions (ECF NO. 26) ("Sanctions Motion") and the Dismiss Motion (ECF No. 27) (collectively "Motions"). On February 27, 2025, the parties stipulated to extend the briefing schedule on Defendant's Motions by one week. ECF No. 30 ("Stipulation"). The Court granted the parties' Stipulation on March 3, 2025. ECF No. 31.

For reasons set forth in Plaintiff's motion to extend time to file response to Defendant's Sanctions Motion (ECF No. 33), Plaintiff was unable to file her response



1 to the Sanctions Motion (“Sanctions Response”) until yesterday, March 10, 2025.
2 See ECF No. 32. Because Defendant would not stipulate or consent to the late filing
3 of Plaintiff’s Sanctions Response, Plaintiff was required to move the Court for an
4 extension (“Extension Motion”) pursuant to FRCP 6(b)(1)(B) and LR IA 6-(a) based
5 on a showing of excusable neglect. Researching and drafting the Extension Motion,
6 as well as the supporting declaration and evidence, took several hours and limited the
7 work time available to finalize and file Plaintiff’s Dismiss Response. See ECF No.
8 33. Rather than risk missing the deadline on the Dismiss Response without Court
9 permission, undersigned Plaintiff’s counsel is filing this Motion and requesting a brief
10 one-day extension.

11 III. ARGUMENT

12 Requesting an extension of time prior to the expired deadline requires a
13 showing of “good cause.” FRCP 6(b)(1)(A). “‘Good cause’ is a non-rigorous
14 standard that has been construed broadly across procedural and statutory contexts.”
15 *Ahanchian*, 624 F.3d at 1259. Here, good cause exists based on unexpected hours
16 devoted to Plaintiff’s Extension Motion and the resulting time crunch caused on the
17 finalization of Plaintiff’s Dismiss Response. A one-day extension poses hardly any
18 risk of prejudice to Defendant and will hardly impact the judicial proceedings since
19 the case is young and discovery is stayed pending the Court’s ruling on Defendant’s
20 Dismiss Motion. Finally, the policy of hearing matters on their merits favor the
21 requested extension. See *Ahanchian*, 624 F.3d at 1259.

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DATED: March 11, 2025

RAFII & ASSOCIATES, P.C.

Of Counsel

IT IS SO ORDERED:

Dated: March 12, 2025

CHIEF UNITED STATES DISTRICT JUDGE